

Danville—First Monday in March
and September.
Cairo—First Monday in April and
October.
East St. Louis—First Monday in
May and November.
Benton—First Monday in June
and December.

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF ILLINOIS
EAST ST. LOUIS, ILL. 62202

St Clair Co.

Sauget/Sauget

157542

January 2, 1975

JUN 18 1982

L.P.C. — D.L.P.C.
STATE OF ILLINOIS

U. S. Department of Justice
Washington, D. C. 20530

Attention: Mr. Raymond W. Mushal, Attorney
Pollution Control Section

Re: Sauget and Company; Refuse Act violation,
dumping of landfill material into
Mississippi River

Your Ref: MG:RWM 62-26-38

Dear Sir:

I am in receipt of your letter dated October 24, 1974. This office, after a careful review of the file in the above-captioned case, has concluded that it is without merit and, therefore, has decided to decline prosecution. The various agencies involved in this matter and the attendant information supplied predicate a violation of Title 33, United States Code, Section 407, upon the latter part of that statute. The statute states in pertinent part, "... it shall not be lawful to deposit or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable river" It is apparent from the statutory language that it is necessary to demonstrate that the material in question was placed upon the "bank of a river." This element of proof is not present under the factual circumstances of the instant case. The material was deposited upon land well removed from the banks of the Mississippi River, as "bank" is defined by pertinent case law. It was due only to the unprecedented flood of 1973 that the waters of the Mississippi River reached the land of Sauget and Company and caused debris therefrom to be removed.

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REGION III

JAN 3 1975

ENVIRONMENTAL PROTECTION AGENCY
STATE OF ILLINOIS

A violation of Title 33, United States Code, Section 407 could not be substantiated. Accordingly, this office has decided to decline prosecution in the above-captioned matter.

Very truly yours,

HENRY A. SCHWARZ
United States Attorney


BY MICHAEL J. NESTER
Assistant United States Attorney

MJN:cs

cc: ✓ Mr. William C. Child
Regional Supervisor
Illinois Environmental Protection Agency
Region III, Springfield
2200 Churchill Road
Springfield, IL 62706